

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

APR -9 2010

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY



09-CV-01182-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK THOMAS,

Petitioner,

v.

ELDON VAIL, *et al.*,

Respondents.

CASE NO. C09-1182-JLR

ORDER DISMISSING FEDERAL
HABEAS PETITION

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondents' answer to the petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, Petitioner's Objection to the Report & Recommendation (Dkt 14), and the balance of the record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition (Dkt. No. 5) is DISMISSED, with prejudice, under 28 U.S.C. § 2244(d).
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondents, and to Judge Donohue.

DATED this 9th day of April, 2010.


JAMES L. ROBART
United States District Judge

ORDER DISMISSING FEDERAL
HABEAS PETITION